



**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
LOS ANGELES SESSION
DECEMBER 2, 2014**

FIRST AMENDED

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Ronald Reagan State Office Building, 300 South Spring Street, Third Floor, North Tower, Los Angeles, California on December 2, 2014.

TUESDAY, DECEMBER 2, 2014—9:00 A.M.

- (1) S214679 State Department of Public Health v. Superior Court of Sacramento County (Center for Investigative Reporting, Real Party in Interest) (*Gilbert, P.J., assigned justice pro tempore*)
- (2) S201116 Berkeley Hillside Preservation et al. v. City of Berkeley et al. (Donn Logan et al., Real Parties in Interest and Respondents) (*Boren, A.P.J., assigned justice pro tempore*)
- (3) S093235 People v. Johnson (Jerrold Elwin) [Automatic Appeal] (*Grimes, J., assigned justice pro tempore*)

2:00 P.M.

- (4) S214221 State of California ex rel. Department of California Highway Patrol v. Superior Court of Orange County (Mayra Antonia Alvarado et al., Real Parties in Interest) (*Hill, A.P.J., assigned justice pro tempore*)
- (5) S187965 People v. Mosley (Steven Lloyd) (*Grover, J., assigned justice pro tempore*)
- (6) S206143 Taylor (William) on Habeas Corpus (*Grover, J., assigned justice pro tempore*)

CANTIL-SAKAUYE

Chief Justice

If exhibits are to be transmitted to this court, counsel must apply to the court for permission. (See Cal. Rules of Court, rule 8.224(c).)

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The following case summaries are issued to inform the public about cases that the California Supreme Court has scheduled for oral argument and of their general subject matter. In most instances, the descriptions set out below are reproduced from the original news release issued when review in each of these matters was granted and are provided for the convenience of the public. The descriptions do not necessarily reflect the view of the court or define the specific issues that will be addressed by the court.

TUESDAY, DECEMBER 2, 2014—9:00 A.M.

(1) *State Department of Public Health v. Superior Court of Sacramento County (Center for Investigative Reporting, Real Party in Interest), S214679 (Gilbert, P.J., assigned justice pro tempore)*

#14-15 State Department of Public Health v. Superior Court of Sacramento County (Center for Investigative Reporting, Real Party in Interest), S214679. (C072325; 219 Cal.App.4th 966; Superior Court of Sacramento County; 34201280001044.) Petition for review after the Court of Appeal granted a petition for preemptory writ of mandate. This case presents the following issue: In the context of a request under the Public Records Act (Gov. Code, § 6250) for citations issued by the Department of Public Health to state facilities housing the mentally ill and the developmentally disabled, can the public accessibility provisions for citations issued under the Long-Term Care Act (Health & Saf. Code, § 1417 et seq.) be reconciled with the confidentiality provisions of the Lanterman-Petris-Short Act (Welf. & Inst. Code, § 5000 et seq.) and the Lanterman Developmental Disabilities Services Act (Welf. & Inst. Code, § 4500 et seq.), and, if so, how?

(2) *Berkeley Hillside Preservation et al. v. City of Berkeley et al. (Donn Logan et al., Real Parties in Interest and Respondents), S201116 (Boren, A.P.J., assigned justice pro tempore)*

#12-58 Berkeley Hillside Preservation et al. v. City of Berkeley et al. (Donn Logan et al., Real Parties in Interest and Respondents), S201116. (A131254; 203 Cal.App.4th 656; Superior Court of Alameda County; RG10517314.) Petition for review after the Court of

Appeal reversed the judgment in an action for writ of administrative mandate. This case presents the following issue: Did the City of Berkeley properly conclude that a proposed project was exempt from the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) under the categorical exemptions set forth in California Code of Regulations, title 14, sections 15303, subdivision (a), and 15332, and that the “Significant Effects Exception” set forth in section 15300.2, subdivision (c), of the regulations did not operate to remove the project from the scope of those categorical exemptions?

(3) ***People v. Johnson (Jerrold Elwin), S093235 (Grimes, J., assigned justice pro tempore)*** [Automatic Appeal]

This matter is an automatic appeal from a judgment of death.

2:00 P.M.

(4) ***State of California ex rel. Department of California Highway Patrol v. Superior Court of Orange County, S214221 (Hill, A.P.J., assigned justice pro tempore)***

#14-10 State of California ex rel. Department of California Highway Patrol v. Superior Court of Orange County, S214221. (G047922; 220 Cal.App.4th 612; Superior Court of Orange County; 30-2008-00116111.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. This case presents the following issue: Can the California Highway Patrol be considered the special employer of a tow truck driver participating in the Freeway Service Program?

(5) ***People v. Mosley (Steven Lloyd), S187965 (Grover, J., assigned justice pro tempore)***

#11-07 People v. Mosley (Steven Lloyd), S187965. (G038379; 188 Cal.App.4th 1090; Superior Court of Orange County; 05NF4105.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of a criminal offense. This case presents the following issue: Does the discretionary imposition of lifetime sex offender registration, which includes residency restrictions that prohibit registered sex offenders from living “within 2000 feet of any public or private school, or park where children regularly gather” (Pen. Code, § 3003.5, subd. (b)), increase the “penalty” for the offense

within the meaning of *Apprendi v. New Jersey* (2000) 530 U.S. 466, and require that the facts supporting the trial court's imposition of the registration requirement be found true by a jury beyond a reasonable doubt?

(6) *Taylor (William) on Habeas Corpus, S206143 (Grover, J., assigned justice pro tempore)*

#13-04 Taylor (William) on Habeas Corpus, S206143. (D059574; 209 Cal.App.4th 210; Superior Court of San Diego County; HC19612, HC19731, HC19742, HC19743.)

Petition for review after the Court of Appeal affirmed orders granting relief on petitions for writ of habeas corpus. The court limited review to the following issue: Does the residency restriction of Penal Code section 3003.5, subdivision (b), when enforced as a mandatory parole condition against registered sex offenders paroled to San Diego County, constitute an unreasonable statutory parole condition that infringes on their constitutional rights? (See *In re E.J.* (2010) 47 Cal.4th 1258, 1282, fn. 10.)